

03-16-07

ITJ



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

Marillia et al.

**Serial No.:** 10/642,531

**Filed:** August 15, 2003

**For:** BRASSICA PYRUVATE  
DEHYDROGENASE KINASE GENE

**Confirmation No.:** 3187

**Examiner:** D. Kruse

**Group Art Unit:** 1638

**Attorney Docket No.:** 3015-6072US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EV962538960US

Date of Deposit with USPS: March 15, 2007

Person making Deposit: Cat Bratton

**RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Corrected Application Papers of February 6, 2007, applicants respond as follows: Applicants submit that color drawings are not necessary to distinguish the invention. Applicants submit that there is no reference in the specification which requires submission of color drawings. Thus, applicants submit that the black and white drawings submitted with the application are sufficient for publication of the application.

For the convenience of the Office, Applicants submit a copy of the formal drawings in black and white.

**Serial No. 10/642,531**

Respectfully submitted,



Krista Weber Powell  
Registration No. 47,867  
Attorney for Applicant(s)  
**TRASKBRITT, P.C.**  
P.O. Box 2550  
Salt Lake City, Utah 84110-2550  
Telephone: 801-532-1922

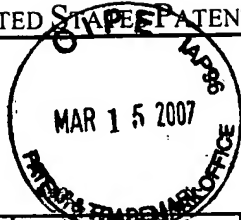
Date: March 14, 2007

ACT/bv

Document in ProLaw



UNITED STATES PATENT AND TRADEMARK OFFICE



RECEIVED

FEB 12 2007

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

TRASKBRITT, P.C.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/642,531

08/15/2003

Elizabeth-France Marillia

3015-6072US

3187

24247 7590 02/07/2007

TRASK BRITT

P.O. BOX 2550

SALT LAKE CITY, UT 84110

EXAMINER

KRUSE, DAVID H

ART UNIT

PAPER NUMBER

1638

MAIL DATE

DELIVERY MODE

02/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Serial No. : 10/642,531  
Applicant : Marillia, et al  
Filing Date : 08/15/2003  
Date Mailed : 02/06/07

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

### *Notice of Allowance Mailed*

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 60 days from the mail date of this Notice within which to correct the informalities indicated below. If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136(a).

See attachment.

*A copy of this notice **MUST** be returned with the reply. Please address response to  
"Mail Stop Issue Fee, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450".*

*Nadine Clark*

Office of Patent Publication  
Phone: 703-308-9250, ext.144

Application No. 10/642,531 Drawings filed 8/15/03



### IDENTIFICATION OF DRAWING DEFICIENCIES

- ☐ There is a hole or the image thereof within the illustration. FIG(s) \_\_\_\_\_
- ☐ The character of the lines, numbers and letters is poor. FIG(s) \_\_\_\_\_
- ☐ The illustration is penetrated or traversed by a solid or broken line that is not intended to be part of the drawing, such as a dark line caused by a flaw in the copying process. FIG(s) \_\_\_\_\_
- ☐ An ink stamp or an image obscures part of the illustration. FIG(s) \_\_\_\_\_
- ☐ The drawing is marred by black smudges, obliterations, or fax/copier marks. FIG(s) \_\_\_\_\_
- ☐ Figure numbers are duplicated or missing. FIG(s). \_\_\_\_\_
- ☐ Numbers, letters, or reference characters in the drawing have been crossed out by hand or are illegibly handwritten. FIG(s) \_\_\_\_\_
- ☐ The drawing's background shows that the original drawing was made on graph paper or other paper with a pattern or decoration. FIG(s) \_\_\_\_\_
- ☐ The FIG. number label is placed in a location that causes the drawing to be read upside down. FIG(s) \_\_\_\_\_
- ☐ Data, a reference number, or part of the drawing is truncated or missing. FIG(s) \_\_\_\_\_
- ☐ The drawing is continued onto a second page (or more) without proper labeling under 37 CFR 1.81(u)(1). FIG(s) \_\_\_\_\_
- ☐ The drawing and/or the FIG. label contain(s) foreign language. FIG(s) \_\_\_\_\_
- ☒ Color drawings are present in this application but the following CFR 1.84 (a) requirements have not been met\*:
  - ☐ Petition filed
  - ☐ Petition fee
  - ☒ 3 sets of color drawings
  - ☒ Color drawing paragraph

\*If color drawings are not elected, then applicant **must respond** so stating. Also, references to color drawings in the specification, if any, must be amended.

COMMENTS:



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Marillia et al.

**Serial No.:** 10/642,531

**Filed:** August 15, 2003

**For:** BRASSICA PYRUVATE  
DEHYDROGENASE KINASE GENE

**Confirmation No.:** 3187

**Examiner:** D. Kruse

**Group Art Unit:** 1638

**Attorney Docket No.:** 3015-6072US

**NOTICE OF EXPRESS MAILING**

Express Mail Mailing Label Number: EV962538960US

Date of Deposit with USPS: March 15, 2007

Person making Deposit: Cat Bratton

**TRANSMITTAL OF FORMAL DRAWINGS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached please find the formal drawings for this application in response to the Notice to File Corrected Application Papers of February 6, 2007.

Respectfully submitted,

Krista Weber Powell  
Registration No. 47,867  
Attorney for Applicant(s)  
TRASKBRITT, P.C.  
P.O. Box 2550  
Salt Lake City, Utah 84110-2550  
Telephone: 801-532-1922

Date: March 15, 2007  
KWP/bv